



## LEGISLATIVE COMMITTEE MEETING

### AGENDA

**DCA Headquarters  
1625 N. Market Blvd  
Hearing Room S-102  
Sacramento, CA 95834**

**March 10, 2011**

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**Thursday, March 10, 2011 – 2:30 pm – 3:30 pm**

**7.0 Review and Approve Minutes:**

Ø January 5, 2011

**7.1 Adopt/Modify Positions on Bills of Interest to the Board, and any other Bills of Interest to the Board introduced during the 2011-2012 Legislative Session.**

**Assembly Bills**

AB 661

**Senate Bills**

SB 161

SB 747

**7.2 Information Only: Federal Legislation of Interest to the Board**

**7.3 Public Comment for Items Not on the Agenda**

**NOTICE:**

All times are approximate and subject to change. Items may be taken out of order to maintain a quorum, accommodate a speaker, or for convenience. The meeting may be canceled without notice. For verification of the meeting, call (916) 574-7600 or access the Board's Web Site at <http://www.rn.ca.gov>. Action may be taken on any item listed on this agenda, including information only items.

Public comments will be taken on agenda items at the time the item is heard. Total time allocated for public comment may be limited.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Administration Unit at (916) 574-7600 or email [webmasterbrn@dca.ca.gov](mailto:webmasterbrn@dca.ca.gov) or send a written request to the Board of Registered Nursing Office at 1625 North Market #N-217, Sacramento, CA 95834. (Hearing impaired: California Relay Service: TDD phone # (916) 322-1700). Providing your request at least five (5) business days before the meeting will help to ensure the availability of the requested accommodation.

Board members who are not members of this committee may attend meetings as observers only, and may not participate or vote. Action may be taken on any item listed on this agenda, including information only items. Items may be taken out of order for convenience, to accommodate speakers, or maintain a quorum.

**BOARD OF REGISTERED NURSING  
LEGISLATIVE COMMITTEE  
MEETING MINUTES**

**DRAFT**

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**DATE:** January 5, 2011

**TIME:** 2:30 pm – 3:30 pm

**LOCATION:** Hilton San Diego Mission Valley  
901 Camino del Rio South  
San Diego, CA 92108

**MEMBERS PRESENT:** Dian Harrison, Chair  
Kathrine Ware

**STAFF PRESENT:** Louise Bailey, Executive Officer

The meeting was called to order at 2:30 pm by the chairperson.

- 7.0 Review and Approve Minutes:
  - Ø November 16, 2010The minutes of November 16, 2010 were approved.
- 7.1 2009-2010 Goals and Objectives: Summary of Accomplishments
- 7.2 2009-2010 Legislative Session Summary
- 7.3 2011-2012 Goals and Objectives for the two year Legislative Session  
The 2011-2012 Goals and Objectives were approved.
- 7.4 Positions on Bills of Interest to the Board, and any other Bills of Interest to the Board introduced during the 2011-2012 Legislative Session.
- 7.5 **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

The California Nurses Association brought to the Committee's attention that they were sponsoring AB 30, (Hayashi), relative to violence in the workplace.

The California Association for Nurse Practitioners and the California Association of Nurse Anesthetists inquired if the Board would add Federal Bills of interest to the Legislative packet.

The meeting was adjourned at 3:00 pm.

Submitted by: \_\_\_\_\_  
**Louise Bailey, M.Ed., RN, Executive Officer**

Approved by: \_\_\_\_\_  
**Dian Harrison, Chair**



**BOARD OF REGISTERED NURSING**  
P.O. Box 944210, Sacramento, CA, 94244-2100  
P (916) 322-3350 | [www.rm.ca.gov](http://www.rm.ca.gov)  
Louise Bailey, M.Ed., RN, Interim Executive Officer

**BOARD OF REGISTERED NURSING  
LEGISLATIVE COMMITTEE  
MEETING MINUTES**

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**DATE:** November 16, 2010  
**TIME:** 2:30 pm  
**LOCATION:** Department of General Services  
Elihu Harris State Building  
1515 Clay Street  
Oakland, CA 94612

**MEMBERS PRESENT:** Kathrine Ware, Chair

**STAFF PRESENT:** Louise Bailey, Interim Executive Officer

The meeting was called to order at 2:30 pm by the chairperson.

- 8.0 Review and Approve Minutes  
➤ September 22, 2010

The minutes were tabled until the next committee meeting for approval.

- 8.1 Adopt/Modify Positions on Bills of Interest to the Board

|         |  |
|---------|--|
| AB 867  | Nava: California State University: Doctor of Nursing degree pilot program<br>Committee Position: <i>Support</i><br>Bill Status: <i>Chaptered (416)</i> |
| AB 1937 | Fletcher: Pupil Health: immunizations<br>Committee Position: <i>Support</i><br>Bill Status: <i>Chaptered (203)</i>                                     |
| AB 2302 | Fong: Postsecondary Education: student transfer<br>Committee Position: <i>Watch</i><br>Bill Status: <i>Chaptered (427)</i>                             |

AB 2344 Nielson: Nursing: approved schools  
Committee Position: *Support*  
Bill Status: *Chaptered (208)*

AB 2385 Perez: Pilot Program for Accelerated Nursing and Allied Health Care Profession  
Education at the California Community Colleges  
Committee Position: *Watch*  
Bill Status: *Chaptered (679)*

AB 2500 Hagman: Professions and Vocations: licenses: military services  
Committee Position: *Support*  
Bill Status: *Chaptered (389)*

AB 2699 Bass: Healing Arts: licensure exemption  
Committee Position: *No Recommendation*  
Bill Status: *Chaptered (270)*

AB 2783 Committee on Veterans Affairs: Professions and Vocations: military personnel  
Committee Position: *Watch*  
Bill Status: *Chaptered (214)*

SB 294 Negrete McLeod: Department of Consumer Affairs: regulatory boards  
Committee Position: *Oppose*  
Bill Status: *Chaptered (695)*

SB 1119 Wright: Health Care Staffing  
Committee Position: *Oppose unless amended*  
Bill Status: *Vetoed*

SB 1172 Negrete McLeod: Regulatory Boards: diversion programs  
Committee Position: *Watch*  
Bill Status: *Chaptered (517)*

SB 1440 Padilla: California Community Colleges: student transfers  
Committee Position: *Support*  
Bill Status: *Chaptered (428)*

## 8.2 PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

No Comments

The meeting was adjourned at 3:00 pm.

Submitted by: Louise Bailey  
Louise Bailey, M.Ed., RN, Interim Executive Officer

Approved by: Kathrine Ware / L.B.  
Kathrine Ware, Chair

**BOARD OF REGISTERED NURSING**  
**Legislative Committee**  
**Agenda Item Summary**

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**AGENDA ITEM:** 7.1  
**DATE:** March 10, 2011

**ACTION REQUESTED:** Positions on Bills of Interest to the Board, and any other Bills of Interest to the Board introduced during the 2011-2012 Legislative Session.

**REQUESTED BY:** Louise Bailey, MEd, RN  
Executive Officer

|                    |                              |                            |
|--------------------|------------------------------|----------------------------|
| <b>BACKGROUND:</b> | <u><b>Assembly Bills</b></u> | <u><b>Senate Bills</b></u> |
|                    | <b>AB 661</b>                | <b>SB 161</b>              |
|                    |                              | <b>SB 747</b>              |

**NEXT STEP:** Place on Board Agenda

**FINANCIAL IMPLICATIONS,  
IF ANY:** None

**PERSON TO CONTACT:** Kay Weinkam, M.S., RN  
Nursing Education Consultant and Legislative Liaison  
(916) 574-7680

**BOARD OF REGISTERED NURSING  
ASSEMBLY BILLS 2011  
March 10, 2011**

| <b>BILL #</b> | <b>AUTHOR</b> | <b>SUBJECT</b>  | <b>COMM<br/>POSITION</b> | <b>BOARD<br/>POSITION</b> | <b>BILL<br/>STATUS</b> |
|---------------|---------------|---|--------------------------|---------------------------|------------------------|
| AB 30         | Hayashi       | Health Facilities: security plans   | --                       | Support                   | Introduced             |
| AB 40         | Yamada        | Elder abuse: reporting  | --                       | Watch                     | Introduced             |
| <b>AB 661</b> | <b>Block</b>  | <b>Public postsecondary education:<br/>San Diego Community College<br/>District: baccalaureate degree pilot<br/>program</b> | <b>--</b>                | <b>--</b>                 | <b>Introduced</b>      |

**Bold** denotes a bill which was amended subsequent to the Board's position or is a new bill for Board consideration.

**BOARD OF REGISTERED NURSING  
SENATE BILLS 2011  
March 10, 2011**

| <b>BILL #</b> | <b>AUTHOR</b> | <b>SUBJECT</b>  | <b>COMM<br/>POSITION</b> | <b>BOARD<br/>POSITION</b> | <b>BILL<br/>STATUS</b> |
|---------------|---------------|---|--------------------------|---------------------------|------------------------|
| SB 65         | Strickland    | Pupil health: prescription pancreatic enzymes                                       | --                       | Watch                     | Introduced             |
| SB 100        | Price         | Healing Arts  | --                       | Watch                     | Introduced             |
| <b>SB 161</b> | <b>Huff</b>   | <b>Schools: Emergency Medical Assistance: administration of epilepsy medication</b> | --                       | --                        | <b>Introduced</b>      |
| <b>SB 747</b> | <b>Kehoe</b>  | <b>Continuing Education: Lesbian, gay, bisexual, and transgender patients</b>       | --                       | --                        | <b>Introduced</b>      |

**Bold** denotes a bill which was amended subsequent to the Board's position or is a new bill for Board consideration.



**BOARD OF REGISTERED NURSING  
LEGISLATIVE COMMITTEE  
March 10, 2011  
BILL ANALYSIS**

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|                 |  |                           |            |
|-----------------|--|---------------------------|------------|
| <b>AUTHOR:</b>  | Block  | <b>BILL NUMBER:</b>       | AB 661     |
| <b>SPONSOR:</b> | Block  | <b>BILL STATUS:</b>       | Introduced |
| <b>SUBJECT:</b> | Public postsecondary education: San Diego Community College District: baccalaureate degree pilot program | <b>DATE LAST AMENDED:</b> | 2/16/11    |

**SUMMARY:**

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Additionally, existing law establishes community college districts, administered by governing boards, throughout the state, and authorizes these districts to provide instruction to students at the community college campuses maintained by the districts. Lastly, existing law requires community colleges to offer instruction through, but not beyond, the 2nd year of college and authorizes community colleges to grant associate in arts and science degrees.

**ANALYSIS:**

This bill would authorize the San Diego Community College District to establish baccalaureate degree pilot programs. This bill would also require a baccalaureate degree pilot program to expire 8 years after the establishment of the program.

If the San Diego Community College District establishes a baccalaureate program, this bill would require the district to meet specified requirements, including, but not limited to, offering baccalaureate degrees in a limited number of fields of study, and submitting a report to the Legislature within one year prior to the expiration of the baccalaureate degree pilot program that would evaluate specified factors.

This bill would also require, if the San Diego Community College District establishes a baccalaureate program, the governing board of the district to perform certain functions and would authorize the governing board to charge baccalaureate degree-seeking students a fee for enrollment in specified courses, which would be required to be expended for the purpose of providing a pilot program.

This bill would authorize the governing board of the district to enter into agreements with local businesses and agencies to provide educational services to students participating in a baccalaureate degree pilot program.

**BOARD POSITION:**

**LEGISLATIVE COMMITTEE RECOMMENDED POSITION:**

**SUPPORT:**

**OPPOSE:**

**ASSEMBLY BILL**

**No. 661**

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**Introduced by Assembly Member Block**

February 16, 2011

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An act to add Article 3 (commencing with Section 78040) to Chapter 1 of Part 48 of Division 7 of Title 3 of the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 661, as introduced, Block. Public postsecondary education: San Diego Community College District: baccalaureate degree pilot program.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts, administered by governing boards, throughout the state, and authorizes these districts to provide instruction to students at the community college campuses maintained by the districts.

Existing law requires community colleges to offer instruction through, but not beyond, the 2nd year of college and authorizes community colleges to grant associate in arts and science degrees.

This bill would authorize the San Diego Community College District to establish baccalaureate degree pilot programs. This bill would require a baccalaureate degree pilot program to expire 8 years after the establishment of the program. If the San Diego Community College District establishes a baccalaureate program, this bill would require the district to meet specified requirements, including, but not limited to, offering baccalaureate degrees in a limited number of fields of study, and submitting a report to the Legislature within one year prior to the

expiration of the baccalaureate degree pilot program that would evaluate specified factors.

This bill would also require, if the San Diego Community College District establishes a baccalaureate program, the governing board of the district to perform certain functions and would authorize the governing board to charge baccalaureate degree-seeking students a fee for enrollment in specified courses, which would be required to be expended for the purpose of providing a pilot program. This bill would authorize the governing board of the district to enter into agreements with local businesses and agencies to provide educational services to students participating in a baccalaureate degree pilot program.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) For nearly 50 years, California's higher education system
- 4 has been the envy of the world. The University of California and
- 5 the California State University campuses have produced
- 6 groundbreaking research and millions of professionals. The
- 7 California Community Colleges are an often overlooked, yet
- 8 essential, part of this system.
- 9 (b) California needs to produce one million more baccalaureate
- 10 degrees than the state currently does to remain economically
- 11 competitive in the coming decades.
- 12 (c) It is time to change community colleges in a way that will
- 13 address job shortages in California's most vital employment areas
- 14 that require baccalaureate degrees. Community colleges can help
- 15 fill the gaps in the system by granting baccalaureate degrees for a
- 16 limited number of specific areas in order to meet a growing demand
- 17 for workforce need.
- 18 (d) These baccalaureate programs will be limited and will not
- 19 detract from the community colleges' mission to advance
- 20 California's economic growth and global competitiveness through
- 21 education, training, and services that contribute to continuous
- 22 workforce improvement, nor will the programs unnecessarily
- 23 duplicate similar programs offered by nearby schools.

1 (e) Community colleges can provide a quality baccalaureate  
2 education with lower costs to their students than a traditional  
3 four-year university, enabling lower income and part-time local  
4 students to earn the baccalaureate degree needed for new job  
5 opportunities and promotion.

6 (f) Seventeen other states, from Florida to Hawaii, already allow  
7 their community colleges to offer baccalaureate degrees. California  
8 is one of the most innovative states in the nation, and the California  
9 Community Colleges will use that same innovative spirit to produce  
10 more health, biotechnology, and other needed professionals.

11 (g) The purpose of the baccalaureate degree pilot program is to  
12 promote economic development by preparing people for  
13 occupations that are in demand and require a baccalaureate degree.

14 SEC. 2. Article 3 (commencing with Section 78040) is added  
15 to Chapter 1 of Part 48 of Division 7 of Title 3 of the Education  
16 Code, to read:

17  
18 Article 3. Baccalaureate Degree Pilot Program  
19

20 78040. For the purposes of this article, “district” means the  
21 San Diego Community College District. The district may establish  
22 baccalaureate degree pilot programs pursuant to Section 78041.

23 78041. Notwithstanding Section 66010.4, the San Diego  
24 Community College District may establish baccalaureate degree  
25 pilot programs that meet all of the eligibility requirements set forth  
26 in Section 78042. A pilot program established pursuant to this  
27 section shall expire eight years after the establishment of the  
28 program. For purposes of this section, a pilot program is established  
29 when the first class of students begins the program.

30 78042. (a) The district shall seek accreditation as a  
31 baccalaureate degree granting college.

32 (b) The district shall maintain the primary mission of the  
33 California Community Colleges specified in paragraph (3) of  
34 subdivision (a) of Section 66010.4. The district, as part of the  
35 baccalaureate degree pilot program, shall have the additional  
36 mission to provide high-quality undergraduate education at an  
37 affordable price for students and the state.

38 (c) The district shall offer baccalaureate degrees in a limited  
39 number of fields of study subject to the following requirements,  
40 as determined by the governing board of the district:

1 (1) The district shall identify and document unmet workforce  
2 needs in the subject areas of the baccalaureate degrees to be offered  
3 and offer baccalaureate degrees in those subject areas possessing  
4 unmet workforce needs in the local community.

5 (2) The baccalaureate degree pilot program shall not  
6 unnecessarily duplicate similar programs offered by nearby public  
7 postsecondary educational institutions.

8 (3) The district shall have the expertise, resources, and student  
9 interest to offer a quality baccalaureate degree in the chosen field  
10 of study.

11 (d) The district shall maintain separate records for students who  
12 are enrolled in courses classified in the upper division and lower  
13 division of a baccalaureate program. A student shall be reported  
14 as a community college student for enrollment in a lower division  
15 course and as a baccalaureate degree program student for  
16 enrollment in an upper division course.

17 (e) The governing board of the district shall do all of the  
18 following:

19 (1) Determine the appropriate governance system for the  
20 baccalaureate degree pilot program.

21 (2) Make decisions regarding the baccalaureate degree pilot  
22 program's curriculum, faculty, and facilities.

23 (3) Establish the level of matriculation, tuition, and other  
24 appropriate costs for students enrolled in a baccalaureate degree  
25 program.

26 (f) (1) The governing board of the district may charge  
27 baccalaureate degree-seeking students a fee, of an amount to be  
28 determined by the governing board, that covers the additional costs  
29 imposed by providing a baccalaureate degree pilot program, for  
30 enrollment in courses that are not transfer core curriculum courses,  
31 as defined in Section 66720.

32 (2) All fees collected pursuant to this subdivision shall be  
33 deposited in the designated fund of the district in accordance with  
34 the California Community Colleges Budget and Accounting  
35 Manual, and shall be expended for the purpose of providing a  
36 baccalaureate degree pilot program.

37 (g) The governing board of the district may enter into  
38 agreements with local businesses and agencies to provide  
39 educational services to students participating in the baccalaureate  
40 degree pilot program.

1 (h) The district shall submit a report to the Legislature within  
2 one year prior to the expiration of the baccalaureate degree pilot  
3 program pursuant to Section 78041. The report shall examine the  
4 success of the baccalaureate degree pilot program by evaluating  
5 all of the following factors:

6 (1) The percentage of students who complete a baccalaureate  
7 degree, calculated by dividing the number of students who graduate  
8 from the baccalaureate degree pilot program by the number of  
9 students who enrolled in the program.

10 (2) The extent to which the baccalaureate degree pilot program  
11 is self-supporting, such that the student fees charged pursuant to  
12 subdivision (f) cover the costs of the program.

13 (3) Whether there is a problem with finding and paying  
14 instructors for the baccalaureate degree pilot program.

15 (4) Whether there was a decline in enrollment in the California  
16 State University and the University of California as a result of the  
17 baccalaureate degree pilot program.

18 (5) The number of students who received jobs in the area in the  
19 field of study of their baccalaureate degree.

20 (6) The amount of student fees charged pursuant to subdivision  
21 (f) compared to the amount of student fees charged for courses at  
22 the California State University and the University of California.

**BOARD OF REGISTERED NURSING  
LEGISLATIVE COMMITTEE  
March 10, 2011  
BILL ANALYSIS**

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|                 |  |                               |            |
|-----------------|--|-------------------------------|------------|
| <b>AUTHOR:</b>  | Huff   | <b>BILL NUMBER:</b>           | SB 161     |
| <b>SPONSOR:</b> | Huff   | <b>BILL STATUS:</b>           | Introduced |
| <b>SUBJECT:</b> | Schools: Emergency Medical<br>Assistance: administration of epilepsy<br>medication | <b>DATE LAST<br/>AMENDED:</b> | 02/02/11   |

**SUMMARY:**

Existing law provides that in the absence of a credentialed school nurse or other licensed nurse onsite at the school, a school district is authorized to provide school personnel with voluntary medical training to provide emergency medical assistance to pupils with diabetes suffering from severe hypoglycemia.

**ANALYSIS:**

This bill would authorize a school district to provide school employees with voluntary emergency medical training to provide, in the absence of a credentialed school nurse or other licensed nurse onsite at the school, emergency medical assistance to pupils with epilepsy suffering from seizures, in accordance with performance standards developed by specified entities. The bill would authorize the State Department of Public Health to approve the performance standards for distribution and make the standards available upon request. The bill would allow a parent or guardian of a pupil with epilepsy who has been prescribed Diastat by the pupil's health care provider to request the pupil's school to have one or more of its employees receive voluntary training, as specified, in order to administer Diastat, as defined, in the event that the pupil suffers a seizure when a nurse is not available. The bill would require a school that decides to train school employees to distribute an electronic notice, as specified, to all staff regarding the request. The bill would make various legislative findings and declarations and state the intent of the Legislature in enacting this measure. The bill would repeal these provisions on January 1, 2017.

**BOARD POSITION:**

**LEGISLATIVE COMMITTEE RECOMMENDED POSITION:**

**SUPPORT:**

**OPPOSE:**



**Introduced by Senator Huff**  
(Coauthor: Assembly Member Halderman)

February 2, 2011

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An act to add and repeal Section 49414.7 of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 161, as introduced, Huff. Schools: emergency medical assistance: administration of epilepsy medication.

Existing law provides that in the absence of a credentialed school nurse or other licensed nurse onsite at the school, a school district is authorized to provide school personnel with voluntary medical training to provide emergency medical assistance to pupils with diabetes suffering from severe hypoglycemia.

This bill would authorize a school district to provide school employees with voluntary emergency medical training to provide, in the absence of a credentialed school nurse or other licensed nurse onsite at the school, emergency medical assistance to pupils with epilepsy suffering from seizures, in accordance with performance standards developed by specified entities. The bill would authorize the State Department of Public Health to approve the performance standards for distribution and make the standards available upon request. The bill would allow a parent or guardian of a pupil with epilepsy who has been prescribed Diastat by the pupil's health care provider to request the pupil's school to have one or more of its employees receive voluntary training, as specified, in order to administer Diastat, as defined, in the event that the pupil suffers a seizure when a nurse is not available. The bill would require a school that decides to train school employees to distribute an electronic notice, as specified, to all staff regarding the request. The

bill would make various legislative findings and declarations and state the intent of the Legislature in enacting this measure. The bill would repeal these provisions on January 1, 2017.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares that all  
2 individuals with exceptional needs have a right to participate in a  
3 free appropriate public education, and that special instruction and  
4 services for these individuals are needed in order to ensure they  
5 have the right to an appropriate educational opportunity to meet  
6 their unique needs in compliance with the federal Individuals with  
7 Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

8 (b) The Legislature finds and declares that there are specific  
9 circumstances when it is necessary for nonmedical school staff,  
10 who have volunteered and been trained, to administer medication  
11 to pupils. The Legislature further finds and declares that the  
12 circumstances necessitating nonmedical personnel to administer  
13 medication to a pupil shall meet the following criteria:

14 (1) The pupil's health care provider states that the medication  
15 must be administered within a timeframe that a licensed medical  
16 person or a paramedic cannot reasonably be expected to respond  
17 and be available.

18 (2) Failure to administer the medication in a timely manner can  
19 reasonably be expected to result in death or permanent physical  
20 injury to the pupil.

21 (3) The medication and the procedure for the administration of  
22 the medication has been found to be safe from harmful side effects  
23 by competent personnel.

24 (c) It is the intent of the Legislature that individuals with  
25 exceptional needs and children with disabilities under the federal  
26 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101  
27 et seq.) and Section 504 of the federal Rehabilitation Act of 1973  
28 (29 U.S.C. Sec. 794) shall have a right to an appropriate  
29 educational opportunity to meet their unique needs, and that  
30 children suffering from seizures due to epilepsy have the right to  
31 appropriate programs and services that are designed to meet their  
32 unique needs. In order to meet that goal, it is the intent of the

Legislature to authorize nurses to train and supervise employees of school districts and county offices of education to administer Diastat to children with epilepsy in the public schools. The American Academy of Pediatrics and the Epilepsy Foundation of America support training of school employees to administer Diastat and believe that Diastat may be safely and effectively administered by trained school employees. The Legislature further finds and declares that, in the absence of a credentialed school nurse or other licensed nurse onsite at the school, it is in the best interest of the health and safety of children to allow trained school employees to administer Diastat to pupils in public schools.

SEC. 2. Section 49414.7 is added to the Education Code, to read:

49414.7. (a) It is the intent of the Legislature that, whenever possible, Diastat should be administered by a school nurse who has been trained in its administration.

(b) Notwithstanding Sections 2052 and 2732 of the Business and Professions Code, in the absence of a credentialed school nurse or other licensed nurse onsite at the school, a school district may provide school employees with voluntary emergency medical training to provide emergency medical assistance to pupils with epilepsy suffering from seizures. A school employee with voluntary emergency medical training shall provide this emergency medical assistance in accordance with the standards established pursuant to subdivision (k), and the performance instructions set forth by the licensed health care provider of the pupil. A school employee who does not volunteer or who has not been trained pursuant to subdivision (k) shall not be required to provide emergency medical assistance pursuant to this section.

(c) If a pupil with epilepsy has been prescribed Diastat by his or her health care provider, the pupil's parent or guardian may request the pupil's school to have one or more of its employees receive training pursuant to this section in the administration of Diastat in the event that the pupil suffers a seizure when a nurse is not available.

(d) Pursuant to Section 504 of the federal Rehabilitation Act of 1973, as amended, (29 U.S.C. Sec. 794), upon receipt of the parent's or guardian's request, the school shall notify the parent or guardian that his or her child may qualify for services or accommodations, assist the parent or guardian with the exploration

1 of that option, and encourage the parent or guardian to adopt that  
2 option if it is determined that the child is eligible for a Section 504  
3 plan.

4 (e) The school may ask the parent or guardian to sign a notice  
5 verifying that the parent or guardian was given information about  
6 Section 504 of the federal Rehabilitation Act of 1973, and that the  
7 parent or guardian understands that it is his or her right to request  
8 a Section 504 plan at any time.

9 (f) If the parent or guardian does not choose to have the pupil  
10 assessed for a Section 504 plan, the school may create an  
11 individualized health plan, seizure action plan, or other appropriate  
12 health plan designed to acknowledge and prepare for the child's  
13 health care needs in school. The plan may include the involvement  
14 of trained volunteer school employees.

15 (g) If a school decides to train school employees pursuant to  
16 this section, the school shall distribute an electronic notice to all  
17 staff that states all of the following:

18 (1) The notice is a request for volunteers to administer Diastat  
19 to a pupil experiencing a severe epileptic seizure, in the absence  
20 of a school nurse.

21 (2) Diastat is an FDA-approved, predosed, rectally administered  
22 gel that reduces the severity of epileptic seizures.

23 (3) A volunteer will receive training from a licensed health  
24 professional regarding the administration of Diastat.

25 (4) Any agreement by an employee to administer Diastat is  
26 voluntary, and no employee of the school or district shall directly  
27 or indirectly use or attempt to use his or her authority or influence  
28 for the purpose of intimidating, threatening, coercing, or attempting  
29 to intimidate, threaten, or coerce, any staff member who does not  
30 choose to volunteer.

31 (h) If there are no volunteers, then the school shall renotify the  
32 pupil's parent or guardian of the option to be assessed for services  
33 and accommodations guaranteed under Section 504 of the federal  
34 Rehabilitation Act of 1973.

35 (i) A school that chooses to participate pursuant to this section  
36 shall have in place a school plan that shall include, but not be  
37 limited to, all of the following:

38 (1) Identification of existing licensed staff within the district or  
39 region who could be trained in the administration of Diastat and  
40 could be available to respond to an emergency need to administer

1 Diastat. The school shall consult with the school district or county  
2 office of education to obtain this information.

3 (2) Identification of pupils who may require the administration  
4 of Diastat.

5 (3) Written authorization from the parent or guardian for a  
6 nonmedical school employee to administer Diastat.

7 (4) The requirement that the parent or guardian notify the school  
8 if the pupil has had Diastat administered within the past four hours  
9 on a schoolday.

10 (5) Notification of the parent or guardian that Diastat has been  
11 administered.

12 (6) A written statement from the pupil's health care practitioner  
13 that shall include, but not be limited to, all the following:

14 (A) The pupil's name.

15 (B) The name and purpose of the medication.

16 (C) The prescribed dosage.

17 (D) The length of time the seizure may continue before the  
18 administration of Diastat becomes necessary.

19 (E) The method of administration.

20 (F) The frequency with which the medication may be  
21 administered.

22 (G) The circumstances under which the medication may be  
23 administered.

24 (H) Any potential adverse responses by the pupil and  
25 recommended mitigation actions, including when to call emergency  
26 services.

27 (I) A protocol for observing the pupil after a seizure, including,  
28 but not limited to, whether the pupil should rest in the school office,  
29 whether the pupil may return to class, and the length of time the  
30 pupil should be under direct observation.

31 (j) A school that chooses to allow volunteers to administer  
32 Diastat shall compensate a volunteer when the administration of  
33 Diastat and subsequent monitoring of a pupil requires a volunteer  
34 to work beyond his or her normally scheduled hours.

35 (k) (1) The Legislature encourages the Epilepsy Foundation of  
36 America to develop performance standards for the training and  
37 supervision of school employees in providing emergency medical  
38 assistance to pupils with epilepsy suffering from seizures. The  
39 performance standards may be developed in cooperation with the  
40 State Department of Education, the California School Nurses

1 Organization, the California Medical Association, and the  
2 American Academy of Pediatrics. Upon development of the  
3 performance standards, the State Department of Public Health may  
4 approve the performance standards for distribution and make those  
5 standards available upon request.

6 (2) Training established pursuant to this subdivision shall  
7 include, but not be limited to, all of the following:

8 (A) Recognition and treatment of different types of seizures.

9 (B) Administration of Diastat.

10 (C) Basic emergency followup procedures including, but not  
11 limited to, calling the emergency 911 telephone number and  
12 contacting the pupil's parent or guardian.

13 (D) Techniques and procedures to ensure pupil privacy.

14 (3) Training established pursuant to this subdivision shall be  
15 conducted by one or more of the following:

16 (A) A physician and surgeon.

17 (B) A credentialed school nurse.

18 (C) A registered nurse.

19 (D) A certificated public health nurse.

20 (4) Training provided in accordance with the performance  
21 standards established pursuant to this section shall be deemed  
22 adequate training for purposes of this section.

23 (5) (A) A school employee shall notify the credentialed school  
24 nurse assigned to the school district if he or she administers Diastat  
25 pursuant to this section.

26 (B) If a credentialed school nurse is not assigned to the school  
27 district, the school employee shall notify the superintendent of the  
28 school district, or his or her designee, if he or she administers  
29 Diastat pursuant to this section.

30 (C) A school shall retain all records relating to the administration  
31 of Diastat while a pupil is under the supervision of school staff.

32 (6) The pupil's parent or guardian shall provide all materials  
33 necessary to administer Diastat, including the information described  
34 in paragraph (6) of subdivision (i). A school shall not be  
35 responsible for providing any of the necessary materials.

36 (l) For purposes of this section, "Diastat" means diazepam rectal  
37 gel, marketed as Diastat AcuDial, approved by the federal Food  
38 and Drug Administration for patients with epilepsy for the  
39 management of seizures.

1     (m) This section shall remain in effect only until January 1,  
2     2017, and as of that date is repealed, unless a later enacted statute,  
3     that is enacted before January 1, 2017, deletes or extends that date.

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**BOARD OF REGISTERED NURSING  
LEGISLATIVE COMMITTEE  
March 10, 2011  
BILL ANALYSIS**

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|                 |  |                           |            |
|-----------------|--|---------------------------|------------|
| <b>AUTHOR:</b>  | Kehoe  | <b>BILL NUMBER:</b>       | SB 747     |
| <b>SPONSOR:</b> | Kehoe  | <b>BILL STATUS:</b>       | Introduced |
| <b>SUBJECT:</b> | Continuing Education: Lesbian, gay, bisexual, and transgender patients | <b>DATE LAST AMENDED:</b> | 2/18/2011  |

**SUMMARY:**

Existing law provides for licensing and regulation of various healing arts professions and generally requires licensees to complete continuing education courses in order to remain eligible to renew their licenses or certifications.

**ANALYSIS:**

This bill would require physicians and surgeons, registered nurses, certified vocational nurses, psychologists, marriage and family therapists, licensed clinical social workers, and psychiatric technicians to complete at least one course of 2 to 5 hours in duration that provides instruction on cultural competency, sensitivity, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender persons, as specified. The bill would require the applicable licensing board to enforce these requirements.

**BOARD POSITION:**

**LEGISLATIVE COMMITTEE RECOMMENDED POSITION:**

**SUPPORT:**

**OPPOSE:**



**Introduced by Senator Kehoe**

February 18, 2011

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An act to amend Sections 2190.1, 2811.5, 2892.5, 2915, 4517, 4980.54, and 4996.22 of the Business and Professions Code, relating to healing arts.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 747, as introduced, Kehoe. Continuing education: lesbian, gay, bisexual, and transgender patients.

Existing law provides for licensing and regulation of various healing arts professions and generally requires licensees to complete continuing education courses in order to remain eligible to renew their licenses or certifications.

This bill would require physicians and surgeons, registered nurses, certified vocational nurses, psychologists, marriage and family therapists, licensed clinical social workers, and psychiatric technicians to complete at least one course of 2 to 5 hours in duration that provides instruction on cultural competency, sensitivity, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender persons, as specified. The bill would require the applicable licensing board to enforce these requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 2190.1 of the Business and Professions
- 2 Code is amended to read:

2190.1. (a) The continuing medical education standards of Section 2190 may be met by educational activities that meet the standards of the ~~Division of Licensing~~ *board* and serve to maintain, develop, or increase the knowledge, skills, and professional performance that a physician and surgeon uses to provide care, or improve the quality of care provided for patients, including, but not limited to, educational activities that meet any of the following criteria:

(1) Have a scientific or clinical content with a direct bearing on the quality or cost-effective provision of patient care, community or public health, or preventive medicine.

(2) Concern quality assurance or improvement, risk management, health facility standards, or the legal aspects of clinical medicine.

(3) Concern bioethics or professional ethics.

(4) Are designed to improve the physician-patient relationship.

(b) (1) On and after July 1, 2006, all continuing medical education courses shall contain curriculum that includes cultural and linguistic competency in the practice of medicine.

(2) Notwithstanding the provisions of paragraph (1), a continuing medical education course dedicated solely to research or other issues that does not include a direct patient care component and a course offered by a continuing medical education provider that is not located in this state are not required to contain curriculum that includes cultural and linguistic competency in the practice of medicine.

(3) Associations that accredit continuing medical education courses shall develop standards before July 1, 2006, for compliance with the requirements of paragraph (1). The associations may develop these standards in conjunction with an advisory group that has expertise in cultural and linguistic competency issues.

(4) A physician and surgeon who completes a continuing education course meeting the standards developed pursuant to paragraph (3) satisfies the continuing education requirement for cultural and linguistic competency.

(c) In order to satisfy the requirements of subdivision (b), continuing medical education courses shall address at least one or a combination of the following:

(1) Cultural competency. For the purposes of this section, “cultural competency” means a set of integrated attitudes,

1 knowledge, and skills that enables a health care professional or  
2 organization to care effectively for patients from diverse cultures,  
3 groups, and communities. At a minimum, cultural competency is  
4 recommended to include the following:

5 (A) Applying linguistic skills to communicate effectively with  
6 the target population.

7 (B) Utilizing cultural information to establish therapeutic  
8 relationships.

9 (C) Eliciting and incorporating pertinent cultural data in  
10 diagnosis and treatment.

11 (D) Understanding and applying cultural and ethnic data to the  
12 process of clinical care.

13 (2) Linguistic competency. For the purposes of this section,  
14 “linguistic competency” means the ability of a physician and  
15 surgeon to provide patients who do not speak English or who have  
16 limited ability to speak English, direct communication in the  
17 patient’s primary language.

18 (3) A review and explanation of relevant federal and state laws  
19 and regulations regarding linguistic access, including, but not  
20 limited to, the federal Civil Rights Act (42 U.S.C. Sec. 1981, et  
21 seq.), Executive Order 13166 of August 11, 2000, of the President  
22 of the United States, and the Dymally-Alatorre Bilingual Services  
23 Act (Chapter 17.5 (commencing with Section 7290) of Division  
24 7 of Title 1 of the Government Code).

25 (d) *On and after January 1, 2012, the board shall require all*  
26 *of its licensees to take at least one continuing education course*  
27 *that provides instruction on cultural competency, sensitivity, and*  
28 *best practices for providing adequate care to lesbian, gay, bisexual,*  
29 *and transgender persons. Persons licensed by the board before*  
30 *January 1, 2012, shall complete the course no later January 1,*  
31 *2016. Persons who are newly licensed by the board on and after*  
32 *January 1, 2012, shall complete the course within four years of*  
33 *their initial license issuance date or their second license renewal*  
34 *date, whichever occurs first. The course shall be between two and*  
35 *five hours in duration and shall contain content similar to the*  
36 *content described in the publication of the Gay and Lesbian*  
37 *Medical Association entitled “Guidelines for Care of Lesbian,*  
38 *Gay, Bisexual and Transgender Patients.” The board may specify*  
39 *the required contents of the course by regulation consistent with*  
40 *this subdivision. The board shall enforce this requirement in the*

1 *same manner as it enforces other required continuing education*  
2 *requirements.*

3 ~~(d)~~

4 (e) Notwithstanding subdivision (a), educational activities that  
5 are not directed toward the practice of medicine, or are directed  
6 primarily toward the business aspects of medical practice,  
7 including, but not limited to, medical office management, billing  
8 and coding, and marketing shall not be deemed to meet the  
9 continuing medical education standards for licensed physicians  
10 and surgeons.

11 ~~(e)~~

12 (f) Educational activities that meet the content standards set  
13 forth in this section and are accredited by the California Medical  
14 Association or the Accreditation Council for Continuing Medical  
15 Education may be deemed by the Division of Licensing to meet  
16 its continuing medical education standards.

17 SEC. 2. Section 2811.5 of the Business and Professions Code  
18 is amended to read:

19 2811.5. (a) Each person renewing his or her license under  
20 Section 2811 shall submit proof satisfactory to the board that,  
21 during the preceding two-year period, he or she has been informed  
22 of the developments in the registered nurse field or in any special  
23 area of practice engaged in by the licensee, occurring since the  
24 last renewal thereof, either by pursuing a course or courses of  
25 continuing education in the registered nurse field or relevant to  
26 the practice of the licensee, and approved by the board, or by other  
27 means deemed equivalent by the board.

28 (b) For purposes of this section, the board shall, by regulation,  
29 establish standards for continuing education. The standards shall  
30 be established in a manner to assure that a variety of alternative  
31 forms of continuing education are available to licensees, including,  
32 but not limited to, academic studies, in-service education, institutes,  
33 seminars, lectures, conferences, workshops, extension studies, and  
34 home study programs. The standards shall take cognizance of  
35 specialized areas of practice. The continuing education standards  
36 established by the board shall not exceed 30 hours of direct  
37 participation in a course or courses approved by the board, or its  
38 equivalent in the units of measure adopted by the board.

39 (c) The board shall encourage continuing education in spousal  
40 or partner abuse detection and treatment. In the event the board

1 establishes a requirement for continuing education coursework in  
2 spousal or partner abuse detection or treatment, that requirement  
3 shall be met by each licensee within no more than four years from  
4 the date the requirement is imposed.

5 (d) In establishing standards for continuing education, the board  
6 shall consider including a course in the special care needs of  
7 individuals and their families facing end-of-life issues, including,  
8 but not limited to, all of the following:

- 9 (1) Pain and symptom management.
- 10 (2) The psycho-social dynamics of death.
- 11 (3) Dying and bereavement.
- 12 (4) Hospice care.

13 (e) In establishing standards for continuing education, the board  
14 may include a course on pain management.

15 (f) This section shall not apply to licensees during the first two  
16 years immediately following their initial licensure in California  
17 or any other governmental jurisdiction.

18 (g) *On and after January 1, 2012, the board shall require all*  
19 *of its licensees to take at least one continuing education course*  
20 *that provides instruction on cultural competency, sensitivity, and*  
21 *best practices for providing adequate care to lesbian, gay, bisexual,*  
22 *and transgender persons. Persons licensed by the board before*  
23 *January 1, 2012, shall complete the course no later January 1,*  
24 *2016. Persons who are newly licensed by the board on and after*  
25 *January 1, 2012, shall complete the course within four years of*  
26 *their initial license issuance date or their second license renewal*  
27 *date, whichever occurs first. The course shall be between two and*  
28 *five hours in duration and shall contain content similar to the*  
29 *content described in the publication of the Gay and Lesbian*  
30 *Medical Association entitled "Guidelines for Care of Lesbian,*  
31 *Gay, Bisexual and Transgender Patients." The board may specify*  
32 *the required contents of the course by regulation consistent with*  
33 *this subdivision. The board shall enforce this requirement in the*  
34 *same manner as it enforces other required continuing education*  
35 *requirements.*

36 ~~(g)~~  
37 (h) The board may, in accordance with the intent of this section,  
38 make exceptions from continuing education requirements for  
39 licensees residing in another state or country, or for reasons of  
40 health, military service, or other good cause.

1 SEC. 3. Section 2892.5 of the Business and Professions Code  
2 is amended to read:

3 2892.5. (a) Each person renewing his or her license under the  
4 provisions of this chapter shall submit proof satisfactory to the  
5 board that, during the preceding two-year period, he or she has  
6 informed himself or herself of developments in the vocational  
7 nurse field or in any special area of vocational nurse practice,  
8 occurring since the issuance of his or her certificate, or the last  
9 renewal thereof, whichever last occurred, either by pursuing a  
10 course or courses of continuing education approved by the board  
11 in the vocational nurse field or relevant to the practice of such  
12 licensee, and approved by the board; or by other means deemed  
13 equivalent by the board.

14 (b) For purposes of this section, the board shall, by regulation,  
15 establish standards for continuing education. The standards shall  
16 be established in a manner to assure that a variety of alternative  
17 forms of continuing education are available to licensees including,  
18 but not limited to, academic studies, in-service education, institutes,  
19 seminars, lectures, conferences, workshops, extension studies, and  
20 home study programs. The standards shall take cognizance of  
21 specialized areas of practice. The continuing education standards  
22 established by the board shall not exceed 30 hours of direct  
23 participation in a course or courses approved by the board, or its  
24 equivalent in the units of measure adopted by the board.

25 (c) This section shall not apply to the first license renewal  
26 following the initial issuance of a license.

27 (d) *On and after January 1, 2012, the board shall require all*  
28 *of its licensees to take at least one continuing education course*  
29 *that provides instruction on cultural competency, sensitivity, and*  
30 *best practices for providing adequate care to lesbian, gay, bisexual,*  
31 *and transgender persons. Persons licensed by the board before*  
32 *January 1, 2012, shall complete the course no later January 1,*  
33 *2016. Persons who are newly licensed by the board on and after*  
34 *January 1, 2012, shall complete the course within four years of*  
35 *their initial license issuance date or their second license renewal*  
36 *date, whichever occurs first. The course shall be between two and*  
37 *five hours in duration and shall contain content similar to the*  
38 *content described in the publication of the Gay and Lesbian*  
39 *Medical Association entitled "Guidelines for Care of Lesbian,*  
40 *Gay, Bisexual and Transgender Patients."* The board may specify

1 *the required contents of the course by regulation consistent with*  
2 *this subdivision. The board shall enforce this requirement in the*  
3 *same manner as it enforces other required continuing education*  
4 *requirements.*

5 (d)

6 (e) The board may, in accordance with the intent of this section,  
7 make exceptions from continuing education for licensees residing  
8 in another state or country, or for reasons of health, military service,  
9 or other good cause.

10 ~~This section shall become operative on July 1, 1980.~~

11 SEC. 4. Section 2915 of the Business and Professions Code is  
12 amended to read:

13 2915. (a) Except as provided in this section, on or after January  
14 1, 1996, the board shall not issue any renewal license unless the  
15 applicant submits proof that he or she has completed no less than  
16 18 hours of approved continuing education in the preceding year.  
17 On or after January 1, 1997, except as provided in this section, the  
18 board shall issue renewal licenses only to those applicants who  
19 have completed 36 hours of approved continuing education in the  
20 preceding two years.

21 (b) Each person renewing his or her license issued pursuant to  
22 this chapter shall submit proof of compliance with this section to  
23 the board. False statements submitted pursuant to this section shall  
24 be a violation of Section 2970.

25 (c) A person applying for relicensure or for reinstatement to an  
26 active license status shall certify under penalty of perjury that he  
27 or she is in compliance with this section.

28 (d) (1) The continuing education requirement shall include, but  
29 shall not be limited to, courses required pursuant to Sections 25  
30 and 28. The requirement may include courses pursuant to Sections  
31 32 and 2914.1.

32 (2) (A) The board shall require a licensed psychologist who  
33 began graduate study prior to January 1, 2004, to take a continuing  
34 education course during his or her first renewal period after the  
35 operative date of this section in spousal or partner abuse  
36 assessment, detection, and intervention strategies, including  
37 community resources, cultural factors, and same gender abuse  
38 dynamics. Equivalent courses in spousal or partner abuse  
39 assessment, detection, and intervention strategies taken prior to  
40 the operative date of this section or proof of equivalent teaching

1 or practice experience may be submitted to the board and at its  
2 discretion, may be accepted in satisfaction of this requirement.

3 (B) Continuing education courses taken pursuant to this  
4 paragraph shall be applied to the 36 hours of approved continuing  
5 education required under subdivision (a).

6 (C) A licensed psychologist whose practice does not include  
7 the direct provision of mental health services may apply to the  
8 board for an exemption from the requirements of this paragraph.

9 (3) Continuing education instruction approved to meet the  
10 requirements of this section shall be completed within the State  
11 of California, or shall be approved for continuing education credit  
12 by the American Psychological Association or its equivalent as  
13 approved by the board.

14 (e) The board may establish a policy for exceptions from the  
15 continuing education requirement of this section.

16 (f) The board may recognize continuing education courses that  
17 have been approved by one or more private nonprofit organizations  
18 that have at least 10 years' experience managing continuing  
19 education programs for psychologists on a statewide basis,  
20 including, but not limited to:

21 (1) Maintaining and managing related records and data.

22 (2) Monitoring and approving courses.

23 (g) The board shall adopt regulations as necessary for  
24 implementation of this section.

25 (h) A licensed psychologist shall choose continuing education  
26 instruction that is related to the assessment, diagnosis, and  
27 intervention for the client population being served or to the fields  
28 of psychology in which the psychologist intends to provide  
29 services, that may include new theoretical approaches, research,  
30 and applied techniques. Continuing education instruction shall  
31 include required courses specified in subdivision (d).

32 (i) A psychologist shall not practice outside his or her particular  
33 field or fields of competence as established by his or her education,  
34 training, continuing education, and experience.

35 (j) *On and after January 1, 2012, the board shall require every*  
36 *person licensed under this chapter to take at least one continuing*  
37 *education course that provides instruction on cultural competency,*  
38 *sensitivity, and best practices for providing adequate care to*  
39 *lesbian, gay, bisexual, and transgender persons. Persons licensed*  
40 *by the board before January 1, 2012, shall complete the course*



1 *no later January 1, 2016. Persons who are newly licensed by the*  
2 *board under this chapter on and after January 1, 2012, shall*  
3 *complete the course within four years of their initial license*  
4 *issuance date or their second license renewal date, whichever*  
5 *occurs first. The course shall be between two and five hours in*  
6 *duration and shall contain content similar to the content described*  
7 *in the publication of the Gay and Lesbian Medical Association*  
8 *entitled “Guidelines for Care of Lesbian, Gay, Bisexual and*  
9 *Transgender Patients.” The board may specify the required*  
10 *contents of the course by regulation consistent with this*  
11 *subdivision. The board shall enforce this requirement in the same*  
12 *manner as it enforces other required continuing education*  
13 *requirements.*

14 ~~(j)~~

15 (k) The administration of this section may be funded through  
16 professional license fees and continuing education provider and  
17 course approval fees, or both. The fees related to the administration  
18 of this section shall not exceed the costs of administering the  
19 corresponding provisions of this section.

20 ~~(k)~~

21 (l) Continuing education credit may be approved for those  
22 licensees who serve as commissioners on any examination pursuant  
23 to Section 2947, subject to limitations established by the board.

24 ~~(l) This section shall become operative on January 1, 2004.~~

25 SEC. 5. Section 4517 of the Business and Professions Code is  
26 amended to read:

27 4517. (a) The board may, in its discretion, provide for a  
28 continuing education program in connection with the professional  
29 functions and courses described in this chapter. The number of  
30 course hours that the board may require in a continuing education  
31 program shall not exceed the number of course hours prescribed  
32 for licensed vocational nurses pursuant to Section 2892.5.

33 (b) *On and after January 1, 2012, the board shall require all*  
34 *of its licensees to take at least one continuing education course*  
35 *that provides instruction on cultural competency, sensitivity, and*  
36 *best practices for providing adequate care to lesbian, gay, bisexual,*  
37 *and transgender persons. Persons licensed by the board before*  
38 *January 1, 2012, shall complete the course no later January 1,*  
39 *2016. Persons who are newly licensed by the board on and after*  
40 *January 1, 2012, shall complete the course within four years of*

1 *their initial license issuance date or their second license renewal*  
2 *date, whichever occurs first. The course shall be between two and*  
3 *five hours in duration and shall contain content similar to the*  
4 *content described in the publication of the Gay and Lesbian*  
5 *Medical Association entitled “Guidelines for Care of Lesbian,*  
6 *Gay, Bisexual and Transgender Patients.” The board may specify*  
7 *the required contents of the course by regulation consistent with*  
8 *this subdivision. The board shall enforce this requirement in the*  
9 *same manner as it enforces other required continuing education*  
10 *requirements.*

11 SEC. 6. Section 4980.54 of the Business and Professions Code  
12 is amended to read:

13 4980.54. (a) The Legislature recognizes that the education and  
14 experience requirements in this chapter constitute only minimal  
15 requirements to assure that an applicant is prepared and qualified  
16 to take the licensure examinations as specified in subdivision (d)  
17 of Section 4980.40 and, if he or she passes those examinations, to  
18 begin practice.

19 (b) In order to continuously improve the competence of licensed  
20 marriage and family therapists and as a model for all  
21 psychotherapeutic professions, the Legislature encourages all  
22 licensees to regularly engage in continuing education related to  
23 the profession or scope of practice as defined in this chapter.

24 (c) Except as provided in subdivision (e), the board shall not  
25 renew any license pursuant to this chapter unless the applicant  
26 certifies to the board, on a form prescribed by the board, that he  
27 or she has completed not less than 36 hours of approved continuing  
28 education in or relevant to the field of marriage and family therapy  
29 in the preceding two years, as determined by the board.

30 (d) The board shall have the right to audit the records of any  
31 applicant to verify the completion of the continuing education  
32 requirement. Applicants shall maintain records of completion of  
33 required continuing education coursework for a minimum of two  
34 years and shall make these records available to the board for  
35 auditing purposes upon request.

36 (e) The board may establish exceptions from the continuing  
37 education requirements of this section for good cause, as defined  
38 by the board.

39 (f) The continuing education shall be obtained from one of the  
40 following sources:

1 (1) An accredited school or state-approved school that meets  
2 the requirements set forth in Section 4980.36 or 4980.37. Nothing  
3 in this paragraph shall be construed as requiring coursework to be  
4 offered as part of a regular degree program.

5 (2) Other continuing education providers, including, but not  
6 limited to, a professional marriage and family therapist association,  
7 a licensed health facility, a governmental entity, a continuing  
8 education unit of an accredited four-year institution of higher  
9 learning, or a mental health professional association, approved by  
10 the board.

11 (g) The board shall establish, by regulation, a procedure for  
12 approving providers of continuing education courses, and all  
13 providers of continuing education, as described in paragraphs (1)  
14 and (2) of subdivision (f), shall adhere to procedures established  
15 by the board. The board may revoke or deny the right of a provider  
16 to offer continuing education coursework pursuant to this section  
17 for failure to comply with the requirements of this section or any  
18 regulation adopted pursuant to this section.

19 (h) Training, education, and coursework by approved providers  
20 shall incorporate one or more of the following:

21 (1) Aspects of the discipline that are fundamental to the  
22 understanding or the practice of marriage and family therapy.

23 (2) Aspects of the discipline of marriage and family therapy in  
24 which significant recent developments have occurred.

25 (3) Aspects of other disciplines that enhance the understanding  
26 or the practice of marriage and family therapy.

27 (i) A system of continuing education for licensed marriage and  
28 family therapists shall include courses directly related to the  
29 diagnosis, assessment, and treatment of the client population being  
30 served.

31 (j) *On and after January 1, 2012, the board shall require all of*  
32 *its licensees to take at least one continuing education course that*  
33 *provides instruction on cultural competency, sensitivity, and best*  
34 *practices for providing adequate care to lesbian, gay, bisexual,*  
35 *and transgender persons. Persons licensed by the board before*  
36 *January 1, 2012, shall complete the course no later January 1,*  
37 *2016. Persons who are newly licensed by the board on and after*  
38 *January 1, 2012, shall complete the course within four years of*  
39 *their initial license issuance date or their second license renewal*  
40 *date, whichever occurs first. The course shall be between two and*

1 *five hours in duration and shall contain content similar to the*  
2 *content described in the publication of the Gay and Lesbian*  
3 *Medical Association entitled “Guidelines for Care of Lesbian,*  
4 *Gay, Bisexual and Transgender Patients.” The board may specify*  
5 *the required contents of the course by regulation consistent with*  
6 *this subdivision. The board shall enforce this requirement in the*  
7 *same manner as it enforces other required continuing education*  
8 *requirements.*

9 ~~(j)~~

10 (k) The board shall, by regulation, fund the administration of  
11 this section through continuing education provider fees to be  
12 deposited in the Behavioral Sciences Fund. The fees related to the  
13 administration of this section shall be sufficient to meet, but shall  
14 not exceed, the costs of administering the corresponding provisions  
15 of this section. For purposes of this subdivision, a provider of  
16 continuing education as described in paragraph (1) of subdivision  
17 (f) shall be deemed to be an approved provider.

18 ~~(k)~~

19 (l) The continuing education requirements of this section shall  
20 comply fully with the guidelines for mandatory continuing  
21 education established by the Department of Consumer Affairs  
22 pursuant to Section 166.

23 SEC. 7. Section 4996.22 of the Business and Professions Code  
24 is amended to read:

25 4996.22. (a) (1) Except as provided in subdivision (c), the  
26 board shall not renew any license pursuant to this chapter unless  
27 the applicant certifies to the board, on a form prescribed by the  
28 board, that he or she has completed not less than 36 hours of  
29 approved continuing education in or relevant to the field of social  
30 work in the preceding two years, as determined by the board.

31 (2) The board shall not renew any license of an applicant who  
32 began graduate study prior to January 1, 2004, pursuant to this  
33 chapter unless the applicant certifies to the board that during the  
34 applicant’s first renewal period after the operative date of this  
35 section, he or she completed a continuing education course in  
36 spousal or partner abuse assessment, detection, and intervention  
37 strategies, including community resources, cultural factors, and  
38 same gender abuse dynamics. On and after January 1, 2005, the  
39 course shall consist of not less than seven hours of training.  
40 Equivalent courses in spousal or partner abuse assessment,

1 detection, and intervention strategies taken prior to the operative  
2 date of this section or proof of equivalent teaching or practice  
3 experience may be submitted to the board and at its discretion,  
4 may be accepted in satisfaction of this requirement. Continuing  
5 education courses taken pursuant to this paragraph shall be applied  
6 to the 36 hours of approved continuing education required under  
7 paragraph (1).

8 (b) The board shall have the right to audit the records of any  
9 applicant to verify the completion of the continuing education  
10 requirement. Applicants shall maintain records of completion of  
11 required continuing education coursework for a minimum of two  
12 years and shall make these records available to the board for  
13 auditing purposes upon request.

14 (c) The board may establish exceptions from the continuing  
15 education requirement of this section for good cause as defined  
16 by the board.

17 (d) The continuing education shall be obtained from one of the  
18 following sources:

19 (1) An accredited school of social work, as defined in Section  
20 4991.2, or a school or department of social work that is a candidate  
21 for accreditation by the Commission on Accreditation of the  
22 Council on Social Work Education. Nothing in this paragraph shall  
23 be construed as requiring coursework to be offered as part of a  
24 regular degree program.

25 (2) Other continuing education providers, including, but not  
26 limited to, a professional social work association, a licensed health  
27 facility, a governmental entity, a continuing education unit of an  
28 accredited four-year institution of higher learning, and a mental  
29 health professional association, approved by the board.

30 (e) The board shall establish, by regulation, a procedure for  
31 approving providers of continuing education courses, and all  
32 providers of continuing education, as described in paragraphs (1)  
33 and (2) of subdivision (d), shall adhere to the procedures  
34 established by the board. The board may revoke or deny the right  
35 of a provider to offer continuing education coursework pursuant  
36 to this section for failure to comply with the requirements of this  
37 section or any regulation adopted pursuant to this section.

38 (f) Training, education, and coursework by approved providers  
39 shall incorporate one or more of the following:

1 (1) Aspects of the discipline that are fundamental to the  
2 understanding, or the practice, of social work.

3 (2) Aspects of the social work discipline in which significant  
4 recent developments have occurred.

5 (3) Aspects of other related disciplines that enhance the  
6 understanding, or the practice, of social work.

7 (g) A system of continuing education for licensed clinical social  
8 workers shall include courses directly related to the diagnosis,  
9 assessment, and treatment of the client population being served.

10 (h) The continuing education requirements of this section shall  
11 comply fully with the guidelines for mandatory continuing  
12 education established by the Department of Consumer Affairs  
13 pursuant to Section 166.

14 (i) *On and after January 1, 2012, the board shall require all of*  
15 *its licensees to take at least one continuing education course that*  
16 *provides instruction on cultural competency, sensitivity, and best*  
17 *practices for providing adequate care to lesbian, gay, bisexual,*  
18 *and transgender persons. Persons licensed by the board before*  
19 *January 1, 2012, shall complete the course no later January 1,*  
20 *2016. Persons who are newly licensed by the board on and after*  
21 *January 1, 2012, shall complete the course within four years of*  
22 *their initial license issuance date or their second license renewal*  
23 *date, whichever occurs first. The course shall be between two and*  
24 *five hours in duration and shall contain content similar to the*  
25 *content described in the publication of the Gay and Lesbian*  
26 *Medical Association entitled “Guidelines for Care of Lesbian,*  
27 *Gay, Bisexual and Transgender Patients.” The board may specify*  
28 *the required contents of the course by regulation consistent with*  
29 *this subdivision. The board shall enforce this requirement in the*  
30 *same manner as it enforces other required continuing education*  
31 *requirements.*

32 ~~(i)~~

33 (j) The board may adopt regulations as necessary to implement  
34 this section.

35 ~~(j)~~

36 (k) The board shall, by regulation, fund the administration of  
37 this section through continuing education provider fees to be  
38 deposited in the Behavioral Science Examiners Fund. The fees  
39 related to the administration of this section shall be sufficient to  
40 meet, but shall not exceed, the costs of administering the

1 corresponding provisions of this section. For purposes of this  
2 subdivision, a provider of continuing education as described in  
3 paragraph (1) of subdivision (d) shall be deemed to be an approved  
4 provider.

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**BOARD OF REGISTERED NURSING  
Legislative Committee  
Agenda Item Summary**

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**AGENDA ITEM: 7.2**  
**DATE: March 10, 2011**

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| <b>ACTION REQUESTED:</b>               | Information Only: Federal Legislation of Interest to the Board and other interested parties.                                    |
| <b>REQUESTED BY:</b>                   | Louise Bailey, MEd, RN<br>Executive Officer   |
| <b>BACKGROUND:</b>                     | Two Nursing Organizations requested information about Federal Legislation at the January 5, 2011 Legislative Committee Meeting. |
| <b>NEXT STEP:</b>                      | Place on Board Agenda   |
| <b>FINANCIAL IMPLICATIONS, IF ANY:</b> | None  |
| <b>PERSON TO CONTACT:</b>              | Kay Weinkam, M.S., RN<br>Nursing Education Consultant and Legislative Liaison<br>(916) 574-7680                                 |



**Federal Legislation**  
**March 10, 2011**

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**Bill Number:** S. 227  
**Title:** Home Health Care Planning Improvement Act of 2011  
**Summary:** Amends title XVIII (Medicare) of the Social Security Act to revise conditions of and limitations on payment for home health care services. Allows payment for home health services to Medicare beneficiaries by: (1) a nurse practitioner; (2) a clinical nurse specialist working in collaboration with a physician in accordance with state law; (3) a certified nurse-midwife; or (4) a physician assistant under a physician's supervision.  
**Location:** Senate - Committee on Finance  
**Sponsor:** Senator Susan Collins of Maine (Republican)

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**Bill Number:** S. 56  
**Title:** Medicaid Advanced Practice Nurses and Physician Assistants Access Act of 2011  
**Summary:** Amends title XIX (Medicaid) of the Social Security Act to eliminate the state option to include nurse practitioners, certified nurse-midwives, and physician assistants as primary care case managers. Specifies as primary care case managers any nurse practitioner, certified nurse-midwife, or physician assistant that provides primary care case management services under a primary care case management contract. Revises the coverage of certain nurse practitioner services under the Medicaid fee-for-service program to remove the specification of certified pediatric nurse practitioner and certified family nurse practitioner in order to extend such coverage to services furnished by a nurse practitioner or clinical nurse specialist. Includes nurse practitioners, clinical nurse specialists, physician assistants, certified nurse midwives, and certified registered nurse anesthetists in the mix of service providers which Medicaid managed care organizations are required to maintain.  
**Location:** Senate – Committee on Finance  
**Sponsor:** Senator Daniel Inouye of Hawaii (Democrat)

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**Bill Number:** S. 58  
**Title:** Registered Nurse Safe Staffing Act of 2011  
**Summary:** Amends title XVIII (Medicare) of the Social Security Act to require each Medicare participating hospital to implement a hospital-wide staffing plan for nursing services furnished in the hospital.

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**Federal Legislation**  
**March 10, 2011**

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Requires the plan to require that an appropriate number of registered nurses provide direct patient care in each unit and on each shift of the hospital to ensure staffing levels that: (1) address the unique characteristics of the patients and hospital units; and (2) result in the delivery of safe, quality patient care consistent with specified requirements.

Requires each participating hospital to establish a hospital nurse staffing committee which shall implement and oversee such plan.

Specifies civil monetary and other penalties for violation of the requirements of this Act.

Sets forth whistleblower protections against discrimination and retaliation involving patients or employees of the hospital for their grievances, complaints, or involvement in investigations relating to such plan.

**Location:** Senate – Committee on Finance  
**Sponsor:** Senator Daniel Inouye of Hawaii (Democrat)

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**Bill Number:** S. 55  
**Title:** Nursing School Clinics Act of 2011  
**Summary:** Amends title XIX (Medicaid) of the Social Security Act to provide for coverage of nursing school clinic services.  
**Location:** Senate – Committee on Finance  
**Sponsor:** Senator Daniel Inouye of Hawaii (Democrat)

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**Bill Number:** S. 53  
**Title:** Doctor of Nursing Practice and Doctor of Pharmacy Dual Degree Program Act of 2011  
**Summary:** Expresses the sense of the Senate that there should be established a Doctor of Nursing Practice (DNP) and Doctor of Pharmacy (PharmD) dual degree program, which would: (1) improve patient outcomes, (2) help health providers meet the unique needs of rural communities across the age continuum and in diverse settings, (3) enhance collaboration between DNPs and physicians regarding drug therapy, (4) provide for research concerning and the implementation of safer medication administration, (5) broaden the scope of practice for pharmacists through education and training in diagnosis and management of common diseases, (6) provide new

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**Federal Legislation**  
**March 10, 2011**

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employment opportunities, and (7) assist in filling the need for primary care providers with an expertise in geriatrics and pharmaceuticals. Calls for additional research and evaluation to be conducted to determine the extent to which graduates of such a program improve primary health care, address disparities, diversify the workforce, and increase quality of service for underserved populations.

**Location:** Senate - Committee on Health, Education, Labor, and Pensions  
**Sponsor:** Senator Daniel Inouye of Hawaii (Democrat)